

### REMARKS

After entry of this Amendment, claims 1-14 are pending in the Application. With this amendment, claim 12 is amended. Reconsideration of the Application as amended is respectfully submitted.

In the final Office Action dated December 11, 2007, the Examiner rejects claim 12 under 35 USC § 112, 2<sup>nd</sup> paragraph, claims 1 and 4-14 under 35 USC § 102(b), rejects claims 1 and 10-14 a second time under 35 USC § 102(b), and rejects claims 2 and 3 under 35 USC § 103(a).

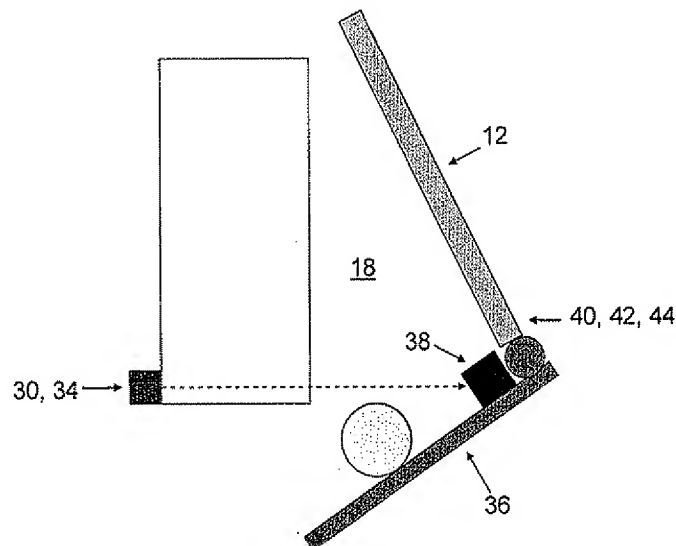
The Examiner rejects claim 12 under 35 USC § 112, 2<sup>nd</sup> paragraph, stating that the “coin shaft” lacks an antecedent basis. Applicants amend claim 12 to read “the passage of a coin through a coin shaft.” This amendment corrects a typographical omission, and does not change the scope of the claim as one of skill in the art would have recognized that “a coin through” had been inadvertently omitted in the prior claim. Applicants submit that the claim as amended includes a proper antecedent basis for both the coin and the coin shaft. Applicants respectfully request reconsideration and withdrawal of the Examiner’s 35 USC 112, second paragraph rejection.

The Examiner rejects claims 1 and 4-14 under 35 USC § 102(b) as being anticipated by Newton et al. (US 5,485,906). The Examiner states Newton discloses a coin distributor having all the features of the present invention, including “that the beam deflector (38) is considered to be secured to the moveable deflection member (12) through hooks (40) which snap onto shafts (42).” (Paragraph 4 of Office Action dated December 11, 2007.) Claim 12, however, requires the beam deflector to be secured in fixed relation to the moveable deflection member. Newton does not disclose this configuration. Indeed, even if the beam deflector (38) in Newton is considered to be secured to the moveable deflection member (12) through hooks (40) which snap onto shafts (42), the beam deflector (38) is pivotable relative to the moveable deflection member (12) because the hook (40) and snap (42) connection permits relative rotation between the moveable deflection member (12) and the flap (36) to which the beam deflector (38) is secured. The beam deflector (38) is not secured in a fixed relation to the moveable deflection member (12) because relative rotation between the two occurs each

time the coin validator accepts a coin. Therefore, Newton does not teach or suggest that the beam deflector is secured in fixed relation to the moveable deflection member as included in present claims 12-14.

Addressing claims 12-14 is not an indication that lower numbered claims are not patentable. Indeed, Applicants submit that the beam deflector (38) is not considered to be secured to the moveable deflection member (12) even though the beam deflector (38) is secured to a flap (36) which is pivotably coupled to the moveable deflection member (12). "Secure" means "to get hold or possession of." (Random House Webster's Unabridged Dictionary, 2<sup>nd</sup> ed. 2001.) In Newton, the moveable deflection member (12) does not have hold of the beam deflector (38) because the beam deflector (38) can move independently of the moveable deflection member (12). The moveable deflection member (12) has no control over the position of the beam deflector (38). Therefore, Newton does not teach or suggest a feature of claims 1 and 4-11.

Regarding claim 9, the rejection states that the quantity of radiant power received by the photosensor (34) in Newton decreases to zero when a coin passes between the diode (30) and prism (38), and that the beam is uninhibited when no coin is traveling through the coin shaft (18). Applicants do not find fault with these assertions. However, the situations described by these assertions do not cover all possible situations. Consider a falling coin in contact with the flap (36) after passing the moveable deflection member (12). The coin remains in contact with the flap (36) even after falling below the diode (30):



The quantity of radiant power received by the photosensor (34) does not remain substantially the same because the prism (38) is rotated with the pivoted flap (36). Moreover, even after the coin passes through the flap (36) to a position lower than illustrated in the above illustration, the flap (36) and prism (38) remain momentarily angled relative to the direction of the beam and prevent the photosensor (34) from receiving any radiant power. Thus, for a period of time after a coin passes below the diode (30), the quantity of radiant power received by the beam receiver in Newton does not remain substantially the same.

The above illustration also shows that Newton does not anticipate claims 10, 12 and 13. The rejection states, "Newton's gate, if it never moves, will never move deflector (38)." However, the gate (12) in Newton must move in order for the coin validator to function, i.e. to grant credits for coins inserted. To say the gate does not move contradicts explicit statements in Newton to the contrary. For example, col. 2, lines 5-7 of Newton state, "If the coins are acceptable, a solenoid is energized to cause the accept gate 12 to shift into a position in which it opens an accept path 18..." Further, the abstract in Newton states, "The sensing arrangement comprises a flap which is moved away from its normal position by a coin." This statement is contradicted if the gate (12) cannot move to permit a coin to contact the flap (36). Moreover, the rejection characterizes the gate (12) as "the moveable deflection member" (emphasis added); if the gate (12) is not moveable, then all claims must be allowed.

Therefore, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of claims 1 and 4-14 under 35 USC § 102(b).

The Examiner rejects claims 1 and 10-14 again under 35 USC § 102(b) as being anticipated by Newton et al. (US 5,485,906). The Examiner states Applicant's beam deflector is considered to read on Newton's prism (32). However, the prism (32) is "located behind the wall at the opposite side of the passageway [from the diode (30)]." (Col. 2, lines 43-44). Because of its position, the prism (32) cannot contact or direct a coin. Therefore, the prism (32) is not a deflection member and does not sort coins into different coin shafts. Also, since the prism (32) is secured "behind the wall", it is not secured to the moveable deflection member. Thus, the prism (32) does not disclose the

features of the moveable deflection member in claims 1, 10, 12 and 13. Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection of claims 1 and 10-14 under 35 USC § 102(b).

The Examiner rejects claims 2 and 3 under 35 USC § 103(a) as being unpatentable over Newton in view of Hoffman et al. (US 5,823,315). The Examiner states that Newton discloses all the features of the claims except a second detection device and Hoffman et al. discloses a second detection device. The Examiner states that it would have been obvious to one skilled in the art to have incorporated the second detection device disclosed by Hoffman et al. to prevent possible detection errors. However, while Hoffman et al. discloses a first and a second detection device, neither the first nor the second detection device is secured to a moveable deflection member. Therefore, even when viewing Newton in light of Hoffman, a beam deflector secured to a moveable deflection member is not taught. Applicants respectfully request reconsideration and withdrawal of the Examiner's 35 USC § 103(a) rejection.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Andrew R. Basile, Sr.', with a stylized, cursive script.

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